THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19969 of 2006

25.9.2006

Between:

Smt.Boyina Jyothi, W/o.B.Kaliprasad Rao

... Petitioner

AND

The District Registrar, Visakhapatnam District
And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19969 of 2006

ORDER:

The petitioner statedly purchased the land admeasuring Acs.5.00 in survey No.383/1 situated at Kapulluppalapadu Village of Bheemunipatnam Mandal in Visakhapatnam District from Smt.Yerukola Vijaya Kumari. The said land originally was assigned to Thokada Tata, S/o.late Thokada Dandu Tata under Ex-serviceman quota, from whom the property was alienated to the vendor of the petitioner on 02.12.2002. It is alleged that the petitioner presented sale deed before the second respondent for registration, after payment of necessary registration charges, the second respondent except giving pending document No.P.303/2005, refused to complete the registration and release the documents. The land is not a Government Land. The petitioner, aggrieved by the action of the second respondent, made representation dated 05.12.2005, in vain. Alleging that the action of the second respondent in not completing the registration and releasing the document placed before him as illegal and arbitrary, the present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the second respondent or any other Registering Officer that the document allegedly submitted by the petitioner for registration may be accepted

and considered for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

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(**V.V.S.RAO,J**)

September 25, 2006.
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